

1
ORIGINAL

1
2 COUNTY COURT OF THE STATE OF NEW YORK
3 COUNTY OF SUFFOLK - PART 7

4 -----x
5 PEOPLE OF THE STATE OF NEW YORK,

6 Case No.:
7 539-07

8 -against-

9 LAMAR WHITEHEAD,

10 Defendant

11 -----x
12 TRIAL TRANSCRIPT

13 March 28, 2008
14 210 Center Drive
15 Riverhead, New York

16 B E F O R E :

17 THE HONORABLE JAMES HUDSON,
18 Suffolk County Judge

19 For the People:

20 THOMAS J. SPOTA, ESQ.
21 District Attorney of Suffolk County
22 Economic Crimes Bureau
23 North County Complex
24 Building 77, Veterans Memorial Highway
25 Hauppauge, New York 1788
BY: RAPHAEL PEARL, ESQ.,
BY: JODI FRANZESE, ESQ.,
Assistant District Attorneys

For the Defendant:

The Law Offices of
WILLIAM KEAHON, ESQ.
One Suffolk Square
Islandia, New York

Reported By:
Jennifer Maue,
Senior Court Reporter

FILED
NOV 13 2009
CLERK OF SUFFOLK COUNTY

1 People v. Lamar Whitehead

2 E V E N I N G S E S S I O N

3 10:00 p.m.

4 28 March 2008

5 THE CLERK: Case on trial, People
6 vs. Whitehead. All the parties are present
7 outside the presence of the jury.

8 THE COURT: The jury indicated that
9 they would like to be excused for the weekend
10 at this juncture. We'll bring them in, I'll
11 excuse them with the usual admonitions and
12 direct them to resume their deliberations
13 Monday morning at 9:30.

14 Is there anything to place on the
15 record before we bring in the jury and
16 discharge them for the weekend?

17 MR. KEAHON: No, your Honor.

18 THE COURT: Very well, thank you.

19 My compliments to the jury, their
20 presence is requested.

21 (The following occurred with the
22 jury present):

23 THE COURT OFFICER: The jury is
24 entering.

25 THE COURT: Thank you, please be

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2 seated. Please be seated, everyone.

3 THE CLERK: Case on trial, People
4 vs. Whitehead. The jury and all parties are
5 present. Counsel waive the roll.

6 THE COURT: Thank you all, once
7 again.

8 Members of the jury, as today's
9 court session draws to a close, I'm excusing
10 you for the day. You'll be home over this
11 weekend and you'll be required to return
12 Monday morning at 9:30 a.m. to resume your
13 deliberations. I know that you all received
14 these admonitions yesterday. I apologize for
15 having to read them all at length again.

16 However, you are a deliberating
17 jury so that is why the law obliges me to give
18 you these admonitions before you're
19 discharged. The law requires I restate these
20 rules I do so in the form of a court order and
21 the law sets forth the penalty for the
22 violation of court ordered rules.

23 They are once again, that
24 deliberations must only be conducted in the
25 jury room when all twelve of you are present.

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2 You must not discuss this case
3 among yourselves or with anyone else until
4 this case is completed, and you are finally
5 discharged from the case.

6 You must not request, accept, agree
7 to accept or discuss with any person the
8 receiving or accepting of any payment or
9 benefit in consideration for supplying
10 information concerning this trial.

11 All deliberations must now cease
12 and must not be resumed until Monday, when all
13 twelve of you have returned and are together
14 again in the jury room.

15 A juror must also promptly report
16 to this court any attempt by anyone to
17 improperly influence any member of this jury.
18 Do not visit the place where the crimes
19 charged were allegedly committed or any place
20 discussed in the trial.

21 Do not read, view or listen to
22 accounts or discussions of the case that may
23 be reported by the news media, on the
24 Internet -- once again the law requires me to
25 explain why these rules are so important.

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2 The law does not want you to talk
3 to anyone about the case for many reasons .
4 Except for another juror no one else has seen
5 or heard the witnesses testify in this case or
6 seen the exhibits. So no one except another
7 juror, except another one of you twelve, is
8 competent to judge fairly the witnesses and
9 other evidence.

10 Second, each of you has been judged
11 to be fair, and each of you has promised to be
12 fair, and no one else is so qualified.

13 There are other reasons but that
14 should suffice to emphasize the importance of
15 not speaking to anyone about this case or
16 allowing it to be spoken to you about the case
17 in your presence.

18 The law does not want you to visit
19 any of the places discussed in the testimony
20 and after you begin your deliberations, there
21 may be a greater temptation to visit the place
22 discussed in the testimony. You must resist
23 the temptation at all hazards. First, you
24 cannot always be assured the place discussed
25 in the testimony is in the same condition as

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2 it was on the date in question.

3 Most importantly, remember as
4 always, you are jurors not witnesses. Once
5 you go to the place discussed in the testimony
6 with a view towards evaluating the evidence in
7 light of what you personally see, you are no
8 longer a juror, you have become a witness, a
9 silent witness, and you may now have an
10 erroneous view that is not subject to
11 examination by either party.

12 Finally, the law requires that you
13 not read or listen to news accounts of the
14 case. Should there be any, you are required
15 to discuss and decide the evidence on this
16 case you have heard on the courtroom, and you
17 must not decide the case based on a
18 journalist's view of the case.

19 I know you understand the
20 importance of abiding by these rules in
21 accordance with your promise and oath to me,
22 and I know you will do so. See you Monday
23 morning, at 9:30. Thank you for your hard
24 work.

25 Thank you, good night. Safe home.

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2 (The Jury is excused)

3 THE COURT: Thank you.

4 Please be seated. Are there any
5 exceptions to the court's instructions to the
6 jury?

7 MR. KEAHON: No, your Honor.

8 MR. PEARL: No thank you, your
9 Honor.

10 THE COURT: Thank you all, once
11 again. And the court will stand in recess to
12 reconvene Monday morning at 9:30, for the call
13 of the calendar. At the same time, the jury
14 will resume its deliberations. Thank you all.

15 MR. KEAHON: Thank you, have a nice
16 weekend.

17 (Trial adjourned to Monday, March
18 31, 2008, 9:30 a.m.)

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2 C E R T I F I C A T E

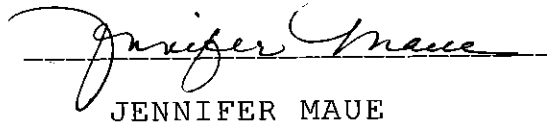
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4 I, JENNIFER MAUE, a Senior Court
5 Reporter, do hereby certify, that the
6 foregoing matter is a true and accurate
7 transcription of my shorthand notes.

8 IN WITNESS WHEREOF, I have hereunto
9 set my hand.

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JENNIFER MAUE

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